

BUSINESS MEETING
BEFORE THE
CALIFORNIA ENERGY RESOURCES CONSERVATION
AND DEVELOPMENT COMMISSION

CALIFORNIA ENERGY COMMISSION
HEARING ROOM A
1516 NINTH STREET
SACRAMENTO, CALIFORNIA

MONDAY, MAY 21, 2001

1:03 P.M.

Reported by:
Valorie Phillips
Contract No. 150-99-002

PETERS SHORTHAND REPORTING CORPORATION (916) 362-2345

COMMISSIONERS PRESENT

William Keese, Chairman

Michal Moore

Robert A. Laurie

Robert Pernell

James Boyd, Ex Officio

STAFF PRESENT

Steve Larson

William Chamberlain

Terry O'Brien

Bob Eller

PUBLIC ADVISER

Roberta Mendonca

ALSO PRESENT

Jeffery D. Harris, Attorney
Ellison, Schneider and Harris, LLP

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1 P R O C E E D I N G S

2 1:03 p.m.

3 CHAIRMAN KEESE: I call this meeting of
4 the California Energy Commission to order.
5 Commissioner Pernell, would you lead us in the
6 Pledge, please.

7 (Whereupon, the Pledge of Allegiance was
8 recited in unison.)

9 CHAIRMAN KEESE: Thank you. For the
10 record we have Commissioner Laurie on the phone.
11 Bob, we have Commissioner Laurie on the phone?

12 COMMISSIONER LAURIE: Yes, I'm here.

13 CHAIRMAN KEESE: And Commissioner
14 Pernell is here. This is Bill Keese, I'm here.
15 And Mr. Jim Boyd is also joining us. Terry
16 O'Brien, my Advisor, is sitting to my right for
17 this meeting.

18 I believe that we have one agenda item
19 for today. I believe at the request of the
20 sponsor, East Altamont has been put over until our
21 next meeting. So we have the certification of the
22 Gilroy City LM6000 Project of Calpine, Inc.

23 Consideration and possible adoption of
24 the Committee's proposed decision recommending
25 certification for the Gilroy City LM6000 Phase I

1 Project, docket number 01-EP-8, a 135 megawatt
2 power plant proposed to be located in Gilroy City.

3 Commissioner Laurie.

4 COMMISSIONER LAURIE: Thank you, Mr.
5 Chairman. I had an opportunity to review that
6 case. I attended the public hearing on the case.
7 The project is an extremely clean project.

8 My only concern was the immediate
9 neighbors. I believe that their concerns have
10 been adequately addressed in the proposed
11 decision. And for further comment I'd like to
12 call upon -- is Mr. Engleman there or the
13 Administrative Law Judge?

14 CHAIRMAN KEESE: We have the applicant
15 here.

16 MR. HARRIS: Yes, Jeff Harris for
17 Calpine.

18 CHAIRMAN KEESE: Jeff Harris is here for
19 the applicant.

20 COMMISSIONER LAURIE: Okay. Mr.
21 Chairman, I found no issues that I believe to be
22 outstanding that have not been adequately
23 mitigated. And when you're done with the public
24 hearing I will be offering the motion to approve
25 the project.

1 CHAIRMAN KEESE: All right.

2 COMMISSIONER PERNELL: Mr. Chairman, I
3 would second that motion after the public comment.

4 CHAIRMAN KEESE: Let me just, before we
5 get to the public comment, I have a set of errata
6 here. Is applicant satisfied with the errata?

7 MR. HARRIS: Actually is that the staff
8 errata? Yes. I've seen those, and there are a
9 couple other more typographical ones I needed to
10 go through with you, but having reviewed these,
11 yes, they are acceptable to us, the staff's
12 filing.

13 CHAIRMAN KEESE: And staff is satisfied
14 with this in its presentation?

15 MR. ELLER: Staff has reviewed the
16 proposed decision and is ready to prepare a
17 recommendation.

18 CHAIRMAN KEESE: Okay. Are those
19 editorial?

20 MR. HARRIS: They are editorial in
21 nature, yes.

22 CHAIRMAN KEESE: If they're editorial in
23 nature we'll let you take them up with staff after
24 the hearing.

25 MR. HARRIS: Very good.

1 CHAIRMAN KEESE: If you don't mind. Do
2 we have any members of the public present or
3 present by phone who care to comment on this
4 siting case?

5 Hearing none, Commissioner Laurie, --
6 Commissioner Pernell.

7 COMMISSIONER PERNELL: I do believe
8 applicant has one other comment.

9 MR. HARRIS: Yes, one other comment
10 quickly.

11 CHAIRMAN KEESE: Mr. Harris.

12 MR. HARRIS: In addition to providing
13 the usual thanks to staff and to Commissioner
14 Laurie for their good hard work on this, there is
15 one condition that I wanted to highlight. At the
16 end of the day we don't have a problem with it.

17 It's VIS3 related to lighting. It
18 relates to the lighting for both the existing
19 plant and for the proposed project. We disagree
20 that there is a significant cumulative impact
21 between the existing project and the new project.
22 However, at the end of the day it's not an issue
23 because we've agreed to that mitigation that's
24 been proposed.

25 And so the issue is moot in that sense.

1 CHAIRMAN KEESE: Thank you.

2 Commissioner Laurie.

3 COMMISSIONER LAURIE: Mr. Chairman, I'd
4 move the proposed decision with the timing and
5 conditions contained therein. I would ask you to
6 ask Mr. Harris for the purposes of the record if
7 his client agrees to the conditions being
8 proposed.

9 CHAIRMAN KEESE: Mr. Harris, we would
10 ask you if your client agrees with the conditions
11 proposed?

12 MR. HARRIS: Yes, we've reviewed the
13 conditions and we find them to be acceptable.

14 COMMISSIONER PERNELL: Mr. Chairman, I
15 second.

16 CHAIRMAN KEESE: Applicant indicates
17 concurrence.

18 Commissioner Laurie has moved;
19 Commissioner Pernell has seconded. Any further
20 questions?

21 All in favor?

22 (Ayes.)

23 CHAIRMAN KEESE: Opposed? Adopted four
24 to nothing.

25 Thank you.

1 Item 2, the peak demand reduction
2 program has been withdrawn from the agenda.

3 The special items to be heard, item 8,
4 East Altamont Energy Center, and item 9, the
5 appointment of a Committee, have been put over at
6 the request of the applicant.

7 Do we have anything from the Counsel or
8 Executive Director, or --

9 MR. LARSON: Mr. Chairman, --

10 CHAIRMAN KEESE: -- Public Adviser? The
11 Public Adviser has a brief thing to say, I'm sure.

12 MS. MENDONCA: Very brief. I just
13 wanted to announce that we're going to be
14 relocating across the street on the fourth floor.
15 And my understanding is that this move could be
16 completed, and we'll be in that facility by next
17 Tuesday.

18 CHAIRMAN KEESE: Thank you.

19 MS. MENDONCA: Phone numbers should stay
20 the same. We'll work out all the rest of the
21 details.

22 CHAIRMAN KEESE: Thank you. Are you
23 allowed to be cooler than 78 over there? Or 82,
24 or whatever we are?

25 MS. MENDONCA: I'm very sure that we

1 will be very appropriately dressed to deal with
2 the temperature.

3 CHAIRMAN KEESE: Thank you.

4 COMMISSIONER PERNELL: And we'll take
5 your copier, your desk and all your phones.

6 (Laughter.)

7 CHAIRMAN KEESE: Do we have any other
8 comments from Commissioners?

9 Any other public comment at this time?

10 Hearing none, this meeting is adjourned.

11 (Whereupon, at 1:10 p.m., the business
12 meeting was adjourned.)

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CERTIFICATE OF REPORTER

I, VALORIE PHILLIPS, an Electronic Reporter, do hereby certify that I am a disinterested person herein; that I recorded the foregoing California Energy Commission Business Meeting; that it was thereafter transcribed into typewriting.

I further certify that I am not of counsel or attorney for any of the parties to said meeting, nor in any way interested in outcome of said meeting.

IN WITNESS WHEREOF, I have hereunto set my hand this 28th day of May, 2001.

VALORIE PHILLIPS

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